

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

Civil Action No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:
City of New York, et al., v. Abbott Laboratories, et al.

Judge Patti B. Saris

STIPULATION CONCERNING THE USE OF PRIOR DEPOSITIONS

This Stipulation is made between Plaintiffs, the City of New York and certain New York Counties ("Plaintiffs"), and Defendant, Barr Laboratories, Inc. ("Barr").

WHEREAS, Plaintiffs have alleged, among other things, that drug manufacturers, including Barr, reported false prices for their prescription drugs and thereby violated Federal and New York law and caused damage to Plaintiffs;

WHEREAS, Barr denies each and every allegation asserted by Plaintiffs;

WHEREAS, Timothy Catlett, Barr's former senior vice president of marketing and sales, was deposed on May 30, 2007 and May 7, 2008 in this and other AWP cases. While Plaintiffs timely cross-noticed Mr. Catlett's May 7, 2008 deposition, they did not cross-notice Mr. Catlett's May 30, 2007 deposition;

WHEREAS, Plaintiffs intend to cross-notice Mr. Catlett's upcoming November 18-19, 2009 deposition;

WHEREAS, the parties wish to avoid subjecting Mr. Catlett to further depositions, particularly given that he is no longer a Barr employee.

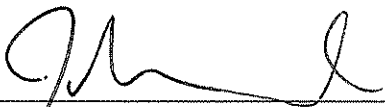
NOW THEREFORE, it is stipulated and agreed by the parties hereto that:

1. Plaintiffs will cross-notice Mr. Catlett's November 18-19, 2009 deposition in *City of New York, et al., v. Abbott Laboratories, Inc., et al.* Further, Plaintiffs will not notice or cross-notice any further depositions of Mr. Catlett, and will not seek to depose a Barr corporate representative on any of the topics previously noticed.

2. Barr agrees that Mr. Catlett's May 30, 2007 deposition shall be deemed to have been timely cross-noticed by Plaintiffs in *City of New York, et al., v. Abbott Laboratories, Inc., et al.* and may be used by Plaintiffs to the fullest extent as if taken in that case.


3. Plaintiffs agree that, by stipulating to Plaintiffs' use of Mr. Catlett's May 30, 2007 deposition in *City of New York, et al., v. Abbott Laboratories, Inc.* as if cross-noticed in that case, Barr does not waive and expressly preserves any objection, evidentiary or otherwise, that it asserted or could have asserted at the time of the taking of this deposition and does not waive any objection to admissibility of such testimony at trial.

Dated: November 13, 2009



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